

YOUNG CONAWAY STARGATT & TAYLOR, LLP

BRUCE M. STARGATT
BEN T. CASTLE
SHELDON N. SANDLER
RICHARD A. LEVINE
RICHARD A. ZAPPA
FREDERICK W. IOUST
RICHARD H. MORSE
DAVID C. MCBRIDE
JOSEPH M. NICHOLSON
CRAIG A. KARSNITZ
BARRY M. WILLOUGHBY
JOSEPH W. INGERSOLL
ANTHONY G. FLYNN
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EUGENE A. DIPRINZIO
JAMES L. PATTON, JR.
ROBERT L. THOMAS
WILLIAM D. JOHNSTON
TIMOTHY J. SNYDER
BRUCE L. SILVERSTEIN
WILLIAM W. BOWSER
LARRY J. TARABICOS
RICHARD A. DILIBERTO, JR.
MELANIE K. SHARP
CASSANDRA F. ROBERTS
RICHARD J. A. POPPER
TERESA A. CIECK
NEILL MULLEN WALSH
JANET Z. CHARLTON
ROBERT S. BRADY
JOEL A. WAITE
BRENT C. SHAFFER
DANIEL P. JOHNSON
CRAIG D. GREAR
TIMOTHY JAY HOUSEAL
BRENDAN LINEHAN SHANNON
MARTIN S. LESSNER
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C. BARR FLINN
NATALIE WOLF
LISA B. GOODMAN
JOHN W. SHAW
JAMES P. HUGHES, JR.
EDWIN J. HARRON
MICHAEL R. NESTOR
MAUREEN D. LUKE
ROLIN P. BISSELL
SCOTT A. HOLT
JOHN T. DORSEY

M. BLAKE CLEARY

ATHANASIOS E. AGELAKOPOULOS
JOSEPH M. BARRY
KEVIN M. BAIRD
SEAN M. BEACH
DONALD J. BOWMAN, JR.
TIMOTHY P. CAIRNS
CURTIS J. CROWTHER
MARGARET M. DIBIANCA
ERIN EDWARDS
KENNETH J. ENOS
IAN S. FREDERICKS
JAMES J. GALLAGHER
DANIELLE GIBBS
ALISON G.M. GOODMAN
SEAN T. GRECHER
KARA S. HAMMOND
DAWN M. JONES
RICHARD S. JULIE
KAREN E. KELLER
JENNIFER M. KINKUS
EDWARD J. KOSMOWSKI
JOHN C. KUFFEL
TIMOTHY E. LENGKEEK
MATTHEW B. LUNN
JOSEPH A. MALFITANO
GLENN C. MANDALAS
ADRIA B. MARTINELLI
MICHAEL W. MCDERMOTT
MATTHEW B. MCGUIRE
MARIBETH L. MINELLA
EDMON L. MORTON
D. FON MUTTAMARA-WALKER
JENNIFER R. NOEL
JOHN J. PASCHETTO
ADAM W. POFF
SETH J. REIDENBERG
FRANCIS J. SCHANNE
MICHELE SHERRETTA
MICHAEL P. STAFFORD
JOHN E. TRACEY
ALFRED VILLOCH, III
MARGARET B. WHITEMAN
CHRISTIAN DOUGLAS WRIGHT
SHARON M. ZIEG

THE BRANDYWINE BUILDING
1000 WEST STREET, 17TH FLOOR
WILMINGTON, DELAWARE 19801

P O. Box 391
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600
(800) 253-2234 (DE ONLY)
FAX: (302) 571-1253

WRITER'S DIRECT DIAL NUMBERS
VOICE: (302) 571-6605
FAX: (302) 576-3308

E-MAIL: tlengkeek@ycst.com

H. ALBERT YOUNG
1929-1982
H. JAMES CONAWAY, JR.
1947-1990
WILLIAM F. TAYLOR
1954-2004

STUART B. YOUNG
EDWARD B. MAXWELL, 2ND
OF COUNSEL

JOHN D. MCLAUGHLIN, JR.
ELENA C. NORMAN (NY ONLY)
SPECIAL COUNSEL

GEORGETOWN OFFICE
110 WEST PINE STREET
P.O. Box 594
GEORGETOWN, DELAWARE 19947
(302) 856-3571
(800) 255-2234 (DE ONLY)
FAX: (302) 856-9338

March 7, 2005

VIA HAND DELIVERY AND E-FILED

The Honorable Gregory M. Sleet
U.S. District Court
844 North King Street, Room 4209
Lock Box 19
Wilmington, DE 19801

Re: DIRECTV vs. Donald Hall
C.A. No. 04-962

Dear Judge Sleet:

Plaintiff DIRECTV, Inc. ("DIRECTV") hereby submits this letter brief, pursuant to the Court's request at the hearing held on February 25, 2005 concerning DIRECTV's October 25, 2004 Request for Entry of Default against Defendant Donald Hall ("Hall").

With regards to the amount of damages requested by DIRECTV, the vast majority of Courts to consider the amount of damages DIRECTV may recover on default pursuant to 18 U.S.C. § 2520 have granted DIRECTV's request for \$10,000 per violation. *See, e.g., DIRECTV v. Thomas Roberts*, Civil Action No. 03-610-A (E.D. Va. October 7, 2003) (Report and Recommendation granting DIRECTV \$10,000.00 on request for default attached as Exhibit A); *DIRECTV v. Alan Plotkin*, Civil Action No. 3:04CV658WN (S.D. Miss. February 25, 2005) (Default Judgment granting DIRECTV \$20,000 in default damages and \$850.00 in attorneys' fees).

YOUNG CONAWAY STARGATT & TAYLOR, LLP

The Honorable Gregory M. Sleet

March 7, 2005

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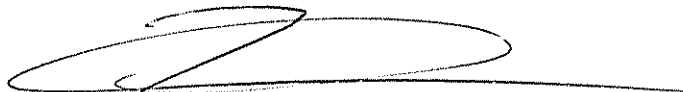
fees attached as Exhibit B); *DIRECTV v. Donald Chyba*, Case No. 04-73072 (E.D. Mich. Sept. 29, 2004) (Order Granting Plaintiff's Motion for Default Judgment granting DIRECTV \$10,000 in default damages and \$850 in attorneys' fees attached as Exhibit C); *DIRECTV v. Kevin H. Craig*, No. C03-5659 (W.D. Wa. February 15, 2005 attached as Exhibit D) (Order Granting Default Judgment Against Defendant Kevin H. Craig granting DIRECTV \$30,000 in default damages and \$850 in attorneys' fees).

As set forth above, the majority of Courts to have considered the issue have awarded DIRECTV \$10,000 per violation in statutory damages. However, a small minority of jurisdictions have refused to award DIRECTV any default damages at all. *See e.g. DIRECTV v. Van La*, Civ. No. 03-5630 (D. Minn. May 19, 2004) (Memorandum Opinion and Order finding defendant in default but refusing to award any damages attached as Exhibit E). In cases such as *Van La*, the Court accepted as true DIRECTV's allegations that Van La purchased and used Pirate Access Devices to steal DIRECTV programming, but refused to award damages because there was no "evidence" of, *inter alia*, whether Defendant's "interception resulted in actual damages to DIRECTV." With all due respect to the *Van La* court, it is axiomatic that DIRECTV suffers "actual damage" when someone steals its programming. DIRECTV further submits that to require an evidentiary showing of actual damages would thwart Congress' intent in creating statutory damages for violations of the statute.

DIRECTV also requests that it be awarded attorneys' fees. Attached as Exhibit F is Plaintiff's counsel's affidavit regarding attorneys' fees and portions of relevant time sheets. As these documents indicate, DIRECTV has incurred fees and costs in excess of the \$850.00 requested in the Complaint.

Accordingly, DIRECTV respectfully requests that this Court follow the lead of the vast majority of other District Courts, and award DIRECTV \$20,000 in statutory damages (\$10,000 per violation) pursuant to 18 U.S.C. §2520.

Respectfully,

A handwritten signature in black ink, appearing to read 'Timothy E. Lengkeek', with a long horizontal flourish extending to the right.

Timothy E. Lengkeek

TEL:ksj

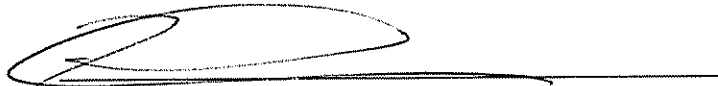
cc: Clerk of Court
Peter Stutheit, Esquire

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2005, I electronically filed a true and correct copy of Letter Brief with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading. I further certify that on March 7, 2005, I served Letter Brief on the following non-registered participants in the manner indicated below

UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL

Mr. Donald Hall
1901 Lipscomb, Apt. E1
Wilson, NC 27893



Melanie K. Sharp (No. 2501)
Timothy E. Lengkeek (No. 4116)
YOUNG CONAWAY STARGATT & TAYLOR, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801

P.O. Box 391
Wilmington, DE 19899-0391
(302) 571-6605
msharp@ycst.com
tlengkeek@ycst.com

Attorneys for Plaintiff DIRECTV, Inc.